HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.15986 OF 2006

Between:

Amalakanti Abaddham and others. . . .Petitioners

AND

District Collector and Election Authority,
Visakhapatnam and others. . . .Respondents

:: O R D E R ::

Counsel for the petitioners : Sri P. Rajasekhar

Counsel for respondent Nos.1 to 3 : Sri V.V. Prabhakara Rao

Counsel for respondent Nos.4 and 5: Government Pleader for Panchayat Raj.

Counsel for respondent No.6 : Ms. T.V. Sridevi for Sri E.V. Bhagiratha Rao

30th March, 2007

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Per G.S.SINGHVI, C.J.

In this petition, the petitioners have made the following substantive prayer:

> "…….It is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus,
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> i) declaring the action of the official respondents in deleting the names of the petitioners from the electoral rolls of Venkatapuram Gram Panchayat, S.Rayavaram Mandal, Visakhapatnam District, after issuing the election notification and without notice to the petitioners, though their names were shown in the electoral rolls of Mandal Praja Parishad and Andhra Pradesh Legislative Assembly and have cast their votes in the respective elections held during June 2006 and in the year 2003, is highly arbitrary, unjust, illegal, mala fide and amounts to colourable exercise of power and violative of principles of natural justice, equity and fair play and contrary to A.P. Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000;
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> ii) to declare the election held on 2-8-2006 to the Venkatapuram Gram Panchayat, S. Rayavaram Mandal, Visakhapatnam District by deleting the names of the petitioners from the electoral rolls after issuing the Gram Panchayat Notification is highly arbitrary, unjust and violative of principles of natural justice and null and void; and
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> iii) consequently set aside the candidature of Smt. M. Varahalamma (6th respondent) as Sarpanch of Venkatapuram Gram Panchayat, S. Rayavaram Mandal, Visakhapatnam District in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

After arguing the case for some time, Sri P. Rajasekhar, learned counsel for the petitioners has made a request that his clients may be

permitted to withdraw this petition with liberty to file election petition in terms of Section 233 of the Andhra Pradesh Panchayat Raj Act, 1994 read with the Andhra Pradesh Panchayat Raj (Election Tribunals in respect of Gram Panchayats, Mandal Parishads and Zilla Parishads) Rules, 1995.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made. We also give liberty to the petitioners to apply for condonation of delay and direct the Election Tribunal to decide the same in accordance with law.

As a sequel to dismissal of the writ petition as withdrawn, WPMP.No.19921 of 2006 filed by the petitioners for grant of interim relief is disposed of as infructuous.

G.S.SINGHVI, C.J.

30th March, 2007.

C.V.NAGARJUNA REDDY, J

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